

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-224-C - ORDER NO. 2005-531
SEPTEMBER 28, 2005

IN RE: Petition of the Office of Regulatory Staff for)	ORDER GRANTING
the Commission to Order a Rule to Show)	PETITION FOR RULE TO
Cause as to Why the Certificates of Public)	SHOW CAUSE AND
Convenience and Necessity for Certain)	SCHEDULING HEARING
Providers of Telecommunications Services)	
Should not be Revoked.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Petition of the Office of Regulatory Staff (ORS) for the Commission to order a rule to show cause as to why the Certificates of Public Convenience and Necessity (Certificates) of certain providers of telecommunications services should not be revoked for failure to comply with orders, decisions, directions, rules and regulations made or prescribed by the Commission and/or for failure to comply with the laws governing corporations, partnerships and associations. ORS's Petition was filed with the Commission on July 27, 2005.

As set forth in S.C. Code Ann. §58-9-10, et seq. (Supp. 2004), the Commission is responsible for the regulation of telephone utilities operating for compensation and pursuant to S.C. Code Ann. §58-4-10, et seq., as enacted by 2004 S.C. Acts 175, the ORS is charged with the duty to protect the public interest.

The ORS developed a list of the telecommunications providers operating in violation with orders, decisions, directions, rules and regulations made or prescribed by the Commission and/or in violation of laws governing corporations, partnerships, and associations and such list is attached in Exhibits A – L to ORS's Petition.

The telecommunications companies listed in Exhibits A – L are subject to the jurisdiction of the Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (Supp. 2004). ORS states that the companies listed in Exhibits A – L have failed to file the requisite annual reports for the year ending 2004 and gross receipts reports for the 2003-2004 fiscal year as required by S.C. Code Ann. §58-1-40 and §58-9-370 (Supp. 2004) and 26 S.C. Code Regs. 103-612.1 (1976). In addition to failing to file annual reports and gross receipts as required, the ORS advises that the companies listed in Exhibits H – K have violated state law by failing to comply with the requirements imposed upon corporations and other business entities and that the companies listed in Exhibits H – K are not currently in good standing with the Secretary of State of South Carolina, and the ORS cites the various violations of the companies in its Petition. Lastly, the telecommunications companies listed in Exhibit L, according to the ORS, are no longer providing telecommunications services as authorized in their Certificates of Public Convenience and Necessity in that the companies have merged with other corporate entities and are no longer doing business under their original corporate names. ORS states that the information for the business entities listed in Exhibits A – L accurately reflects the information on file with the South Carolina Secretary of State, as attested to in Exhibit M of the Petition.

ORS requests that the Commission enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibits A – L.

Based upon the assertions presented by ORS in its Petition, the Commission finds it necessary to institute a formal proceeding and schedule a hearing in this matter to address the Certificate holders in question, and therefore grants the following.

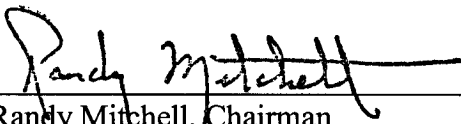
IT IS ORDERED THAT:

1. A formal hearing shall be held before the Commission on **December 1, 2005, at 10:30 a.m.** in the Commission's offices at 101 Executive Center Drive, Columbia, South Carolina to address disputed issues of fact and law and whether or not the Certificates of Certificate holders listed in Exhibits A - L of the Petition should be revoked.
2. Notice of the Petition and hearing must be served upon the Certificate holders listed in Exhibits A – L, and the Certificate holders listed in Exhibits A – L are required to submit an answer to the Petition within thirty (30) days of receipt of the Petition.
3. For the business entities listed in Exhibits H – J, Notice may be served by registered or certified mail, return receipt requested, addressed to the office of the secretary of the corporation at its principal office.
4. For the persons and business entities listed in Exhibits A – J and L, Notice may be served to such named respondents.

5. For the persons and business entities listed in Exhibit K, Notice may be served upon the Secretary of State as the designated agent for service of process for foreign business entities transacting business in South Carolina.


6. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)